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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,513	10/24/2003	Greg B. Hale	54317-022501	9301
33717	7590	06/30/2005	EXAMINER	
GREENBERG TRAURIG LLP 2450 COLORADO AVENUE, SUITE 400E SANTA MONICA, CA 90404		NALEVANKO, CHRISTOPHER R		
		ART UNIT		PAPER NUMBER
		2611		

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/692,513	HALE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher R. Nalevanko	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 22-48 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 22-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### *Response to Arguments*

1. Applicant's arguments with respect to claim 22-48 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Objections*

2. Claims 33 and 34 are objected to because of the following informalities: Claims 33 and 34 recite the limitation "time code" referring to claim 22. Since there is no limitation of a "time code," the Examiner is interpreting the limitation as a "time prompt." Please change the limitation in Claims 33 and 34 to "time prompt." Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 22, 25-32, 34-37, 39, and 46 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Chiu et al (2002/0163548).

Regarding Claim 22, Chiu shows a method of providing content data to a view of a media presentation in conjunction with the media presentation (page 2 section 0019, providing images, video, audio, and meta data along with presentation playback) comprising providing a user of the media presentation with a portable device (page 2 section 0032-0033, NoteLook client application computer), the portable device being

remote from the presentation of the media presentation (page 3 sections 0037-0038, providing main presentation on screen and other content on mobile device) and capable of receiving wireless communications (page 2 section 0033, wireless connection) and displaying content data relating to the presentation (page 3 section 0035, transmitting video, audio, and meta data to portable device, fig. 1), transmitting the content data to the portable device at the start of the presentation (page 4 col. 0054-0055, streaming presentation to portable device with slide change information, indicating that the data is sent to the portable device at the start of the presentation), accumulating content data in a memory of the portable device (page 3 section 0046, storage device maintains note files and other data created or saved during NoteLook session), transmitting a time prompt to the portable device, the time prompt representing a time when content data should be displayed on the portable device such that the content is synchronized with the presentation (page 3 section 0038, 0045, page 4 section 0055, 0058, slide change detection, indexing, and meta data used to synchronize presentation), and displaying the content data on the portable device (fig. 1).

Regarding Claim 25, Chiu shows that the presentation is audio and video (page 3 section 0035, 0037, video, audio, meta data).

Regarding Claims 26 and 27, the limitations have been discussed with regards to Claim 25.

Regarding Claim 28, Chiu shows that the content data is audio and video (page 3 section 0035, 0037, video, audio, meta data, fig. 3, showing text display).

Regarding Claims 29-31, the limitations have been discussed with regards to Claim 28.

Regarding Claim 32, Chiu shows that the content data includes graphics (page 3 section 0036, graphics capture).

Regarding Claim 34, Chiu shows streaming the content data to the portable device, along with index information and slide change information (page 3 section 0038, 0045, page 4 section 0055, 0058, slide change detection, indexing, and meta data used to synchronize presentation). Since this information is streamed, it is inherent that this index information and meta data indicate the start of the presentation.

Regarding Claim 35, Chiu shows sending the portable device audio data (page 3 section 0035). Therefore, it is inherent that since audio data is sent to the portable device, some sort of audio presentation system, such as speakers, are used.

Regarding Claim 36, Chiu shows a display (fig. 1).

Regarding Claim 37, Chiu shows using a “pen based computer running a NoteLook client application” (page 2 section 0032), which is patentable equal to a PDA system.

Regarding Claim 39, Chiu shows that that presentation data can be pre-recorded (page 2 section 0019, page 3 section 0037, presentation data includes data from a VCR, television, or DVD).

Regarding Claim 46, Chiu shows a method of interactive communication comprising presenting the presentation at a first location using media presentation data having at least one time code (page 3 section 0037, 0038, presentation displayed and slide

change detection, page 3 section 0038, 0045, page 4 section 0055, 0058, slide change detection, indexing, and meta data used to synchronize presentation), providing a viewer of the presentation with a portable device located at a remote location (page 2 section 0033, page 3 section 0035, transmitting data to NoteLook client portable unit wirelessly, section 0040, portable system), transmitting content data to the portable device and caching the data in memory (page 3 section 0035, transmitting data to NoteLook client portable unit wirelessly, section 0046, storing data of presentation in memory), detecting time codes in the presentation using a CPU (page 3 section 0038, automatic slide change detection, page 3 section 0038, 0045, page 4 section 0055, 0058, slide change detection, indexing, and meta data used to synchronize presentation, pages 4-5 section 0062, microprocessor), determining when contents should be displayed based on the time code (page 4 sections 0055, 0057-0058, auto indexing and slide detection for changing contents), displaying the contents on the portable device in synchronization (fig. 1, page 4 sections 0055, 0057-0058, auto indexing and slide detection for changing contents), and providing inputs on the portable device adapted to receive information from the viewer (page 4 sections 0049-0051, inputs allowing user to take notes, store video snapshots, and save video).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23,24, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu et al (2002/0163548).

Regarding Claim 23, Chiu shows that transmitting the multimedia data wirelessly (page 2 section 0033). Chiu fails to specifically state sending the data over IR. Official Notice is given that it is well known and expected in the art to use IR to transmit data to devices. This provides and inexpensive and reliable way to transmit data wirelessly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chiu with the ability to send data of IR in order to use an inexpensive, simplistic way of sending data wirelessly.

Regarding Claim 24, Chiu shows that transmitting the multimedia data wirelessly (page 2 section 0033). Chiu fails to specifically state sending the data over RF. Official Notice is given that it is well known and expected in the art to use RF to transmit data to devices. This provides and inexpensive and reliable way to transmit data wirelessly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chiu with the ability to send data of RF in order to use an inexpensive, simplistic way of sending data wirelessly.

Regarding Claim 47, Chiu shows transmitting data wirelessly (page 2 section 0033). Chiu fails to show using radio frequency and infrared to send data. Official Notice is given that it is well known and expected in the art to use RF and IR to transmit data to devices. This provides and inexpensive and reliable way to transmit data

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wirelessly. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chiu with the ability to send data of RF and IR in order to use an inexpensive, simplistic way of sending data wirelessly. All other limitations of the claim have been discussed with regards to claim 46.

Regarding Claim 48, all limitations of the claim have been discussed with regards to Claim 47.

5. Claims 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu et al (2002/0163548) in further view of Basson et al (2002/0101537).

Regarding Claim 40, although Chiu shows providing content from a DVD or VCR, he fails to specifically state that the presentation is a movie. Basson shows a portable unit linked to a presentation where the presentation is a movie (page 2 section 0014; movie theater, page 3 section 0037). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu with the ability to implement a portable device to synchronize other data with a movie, as shown in Basson, so that a user would be provided additional relevant content pertaining to a movie.

Regarding Claim 41, although Chiu shows providing content from a DVD or VCR, he fails to specifically state that the presentation is a movie and the content data I text captioning. Basson shows a portable unit linked to a presentation where the presentation is a movie (page 2 section 0014, movie theater, page 3 section 0037) and a portable unit shows text captioning (page 3 sections 0028-0029, showing captioning

information synchronized with movie on micro display). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu with the ability to implement a portable device to synchronize captioning data with a movie, as shown in Basson, so that a hearing impaired user would be provided additional relevant content pertaining to a movie and be able to understand the content.

Regarding Claim 42, although Chiu shows providing content from a DVD or VCR, he fails to specifically state that the presentation is a movie and the content comprises descriptive audio for the blind. Basson shows a portable unit linked to a presentation where the presentation is a movie (page 2 section 0014, movie theater, page 3 section 0037) and descriptive content for the blind (page 7 section 0064, situation described briefly via audio for sight impaired individual). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu with the ability to implement a portable device to synchronize an audio description with a movie, as shown in Basson, so that a blind user would be provided audio data in order to understand a movie or media presentation.

Regarding Claim 43, although Chiu shows a visual narrative (fig. 1, speaker video including slides and text describing presentation), he fails to show the narrative being shown in more than one language. Basson shows closed captioning information in a variety of languages (page 2 section 0019, page 3 section 0031, providing captioning in multiple languages). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu with the ability to convey multiple language

data, as shown in Basson, so that users from different countries could understand the presentation.

Regarding Claim 44, although Chiu shows providing an audio narrative (page 3 section 0035, audio data, page 2 section 0019, audio corresponding to a speaker), he fails to state that the data can be in different languages. Basson shows providing audio data (page 7 section 0064, situation described briefly via audio for sight impaired individual) and the ability to have multiple languages (page 2 section 0019, page 3 section 0031, providing captioning in multiple languages). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu with the ability to convey multiple language data, as shown in Basson, so that users from different countries could understand the presentation.

Regarding Claim 45, Chiu fails to show the ability to display sign language for a narrative. Basson shows the ability to show a visual narrative (page 3 sections 0028-0029, showing captioning information synchronized with movie on micro display). Furthermore, Basson shows the ability to display a variety of languages (page 2 section 0019, page 3 section 0031, providing captioning in multiple languages) for display and contemplates the use of the system for handicapped persons (page 7 section 0064, discussing sight and visually impaired users). Because Basson shows a list of languages and contemplates handicapped persons, the list provided by Basson is not meant to be exclusive and, in fact, could no way disclose all possible languages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

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Chiu with the ability to convey multiple language data, as shown in Basson, so that users with different language capacities would understand the content.

6. Claims 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu et al (2002/0163548) in further view of Dureau (2004/0073915).

Regarding Claim 33, Chiu shows a time code but fails to specifically state that the code is representative of a time of day. Dureau shows using data to indicate the time of day for a portable device (page 6 section 0050, mobile unit associated with time of day). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu with the time of day code, as in Dureau, so that the system could start a presentation at a specified time of the day.

Regarding Claim 38, Chiu fails to show that the portable device is a cellular phone. Dureau shows sending additional information to a cellular phone (page 6 section 0050, additional information format depending on certain mobile unit, including cellular phone). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu with the ability to use a cellular phone, as shown in Dureau, so that existing cellular phone customers would not have to purchase additional hardware.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Nalevanko whose telephone number is 571-272-7299. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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